

**Introduced by Senator Dutton**

February 21, 2012

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An act to amend Section 3451 of the Penal Code, relating to prisoners.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1150, as introduced, Dutton. Prison: community supervision: eligibility.

Existing law, the Postrelease Community Supervision Act of 2011, requires, with exceptions, that all persons released from prison on and after October 1, 2011, shall be subject to postrelease community supervision for a period not exceeding 3 years. Existing law provides that this provision does not apply to a person released from prison after having served a prison term for a serious or violent felony, a 3rd strike violation, a crime where the person was classified as a High Risk Sex Offender, or any crime where the person is required to undergo treatment by the State Department of Mental Health as a condition of parole. Under existing law, these inmates would be released to the parole supervision of the Department of Corrections and Rehabilitation.

This bill would make the provisions for community supervision inapplicable to any person released from prison who has a prior conviction for a serious or violent felony, a crime for which the person received a 3rd strike, or a crime that resulted in the person being classified as a High Risk Sex Offender.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3451 of the Penal Code is amended to read:

3451. (a) Notwithstanding any other law and except for persons serving a prison term for any crime described in subdivision (b); *and persons who have had a prior conviction described in subdivision (c)*, all persons released from prison on and after October 1, 2011, or, whose sentence has been deemed served pursuant to Section 2900.5 after serving a prison term for a felony shall, upon release from prison and for a period not exceeding three years immediately following release, be subject to community supervision provided by a county agency designated by each county's board of supervisors which is consistent with evidence-based practices, including, but not limited to, supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under postrelease supervision.

(b) This section shall not apply to any person released from prison after having served a prison term for any of the following:

(1) A serious felony described in subdivision (c) of Section 1192.7.

(2) A violent felony described in subdivision (c) of Section 667.5.

(3) A crime for which the person was sentenced pursuant to paragraph (2) of subdivision (e) of Section 667 or paragraph (2) of subdivision (c) of Section 1170.12.

(4) Any crime where the person eligible for release from prison is classified as a High Risk Sex Offender.

(5) Any crime where the person is required, as a condition of parole, to undergo treatment by the State Department of Mental Health pursuant to Section 2962.

*(c) This section shall not apply to any person released from prison who has a prior conviction for any of the following:*

*(1) A serious felony described in subdivision (c) of Section 1192.7.*

*(2) A violent felony described in subdivision (c) of Section 667.5.*

*(3) A crime for which the person was sentenced pursuant to paragraph (2) of subdivision (e) of Section 667 or paragraph (2) of subdivision (c) of Section 1170.12.*

1     (4) *Any crime that resulted in the person's classification as a*  
2     *High Risk Sex Offender.*

3     ~~(e)~~

4     (d) (1) Postrelease supervision under this title shall be  
5     implemented by a county agency according to a postrelease strategy  
6     designated by each county's board of supervisors.

7     (2) The Department of Corrections and Rehabilitation shall  
8     inform every prisoner subject to the provisions of this title, upon  
9     release from state prison, of the requirements of this title and of  
10    his or her responsibility to report to the county agency responsible  
11    for serving that inmate. The department shall also inform persons  
12    serving a term of parole for a felony offense who are subject to  
13    this section of the requirements of this title and of his or her  
14    responsibility to report to the county agency responsible for serving  
15    that parolee. Thirty days prior to the release of any person subject  
16    to postrelease supervision by a county, the department shall notify  
17    the county of all information that would otherwise be required for  
18    parolees under subdivision (e) of Section 3003.